

## **REMARKS/ARGUMENTS**

Claims 1, 2 and 4 through 7 have been rejected under 35 USC 102 (b) as being anticipated by Hayashi (JP 07255587 A). Claim 1 has been amended to incorporate claims 4, 6 and 8. Claim 8 has also been rejected by the examiner under 35 USC 103 (a) as being unpatentable over Hayashi in view of Hsiao.

It is believed the amended claim 1 is not anticipated or made obvious by the cited art. With regard to the claim 4 rejection by the examiner, the Hayashi art does not have an upper cavity for receipt of an incense housing member and a lower cavity with a light member. The inner container 3 of Hayashi is disposed from the upper edge to the bottom of the main body 2. The lamps 4 are positioned adjacent the inner container 3 rather than underneath it. In Figure 4 the lamps 4 are under a reduced crevice 6 in a lighting space 7. However, there is no upper or lower chamber in body 2, but rather a reflective cylinder 8 mounted in the body 2.

The lamps in either Figure 2 or Figure 3 are not positioned to direct light upwardly into and out of the inner container of Hayashi as the container is covered with gold or a reflective material to direct light outwardly through transparencies 5 in the side of the body to present a gold appearance at the side of the body 2.

The incense burner of Hayashi is not transparent and actually teaches away from the instant application. The Hayashi device is designed to use the inner container as a reflector; therefore, it would not be obvious to combine Hayashi with either Hsiao or Newman as commented by the examiner. The entire direction and teaching of Hayashi is to reflect light radial out of body 2 to show a container in a golden light. The inner container is specifically not transparent or translucent as disclosed in the abstract and paragraph 0014. For all of these reasons it is believed claim 1 as amended should be allowed.

Claims 2, 5 and 7 are now dependent on an allowable base claim 1 and therefore should be allowed.

Claim 4, 6 and 8 have been cancelled by this amendment.

Claim 1 and 7 have been rejected under 35 USC 102 (b) as being anticipated by Rhodes. Claim 1 has been amended as described above. The Rhodes art does not contain all of the elements of the amended claim 1 and therefore claim 1 should be allowed.

Claim 7 is dependent on a believed allowable base claim and therefore should be allowed.

Claim 1, 2 and 4 through 6 have been rejected under 35 USC 102 (a) as being anticipated by Nomizu (JP 2002306320 A). The amended claim 1 of the instant application includes the matter of claims 4 and 6. The Nomizu device has a light member that is disposed in the entire cavity or the upper and lower body portions as defined by the examiner. That is not the claim of amended claim 1. In addition Nomizu does not have a transparent or translucent incense housing element. The tray 17 does not anticipate nor make obvious the use of transparent material. The lamp 10 is for heating the incense. For these reasons and as presented above regarding Hayashi, claim 1 should be allowed.

Claim 2, 3 and 5 are now dependent on a believed allowable base claim and therefore should be allowed.

Claim 4 and 6 have been cancelled.

Claim 3 has been rejected under 35 USC 103 (a); however, claim 3 is now dependent on a believed allowable base claim and therefore should be allowed.

Claim 8 has been rejected under 35 USC 103 (a) and its allowance has been discussed with allowance of claim 1. Claim 8 has been cancelled.

Claim 9 has been rejected under 35 USC 103 (a). This claim is now dependent on a believed allowable base claim and therefore should be allowed.

Claims 8 and 10 have been rejected under 35 USC 103 (a). Claim 8 has been cancelled and the arguments against the Hayashi art and the use of transparent material presented with the claim 1 comments above. Claim 10 is now based on a believed allowable base claim and therefore should be allowed.

Claim 10 has been rejected under 35 USC 103 (a) as being unpatentable over Nomizu and

Tani (JP 2002223931 A). Claim 10 is now based on a believed allowable base claim and therefore should be allowed.

Claim 9 has been rejected under 35 USC 103 (a) as being unpatentable over Nomizu and White. Claim 9 is now based on a believed allowable base claim and therefore should be allowed.

Claim 3 has been rejected under 35 USC 103 (a) based on Nomizu and Herold. Claim 3 is now based on a believed allowable base claim and therefore should be allowed.

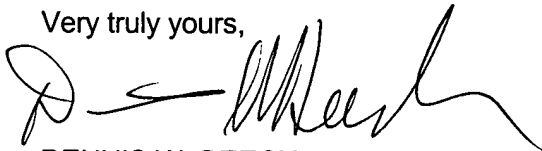
It is believed with the clarifying remarks and the amendments that the uniqueness of the instant invention is not disclosed in the cited art. Accordingly it is believed that the rejections under 35 USC Section 102 and 103 have been overcome by canceling and amending of the claims and the remarks, and withdrawal thereof is respectfully requested.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the cause for rejections and objections is requested. Allowance of claims 1 through 3, 5, 7, 9 and 10 is earnestly solicited.

No additional fee for claims is seen to be required. An extension is requested under 37 CFR § 1.17(a)(1) for one month to November 20, 2006 for a fee of \$60.00.

If you have any questions do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dennis W. Beech', with a stylized flourish at the end.

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